

UNITED STATES DISTRICT COURT

Southern

District of

New York

Picture Patents, LLC

V.

SUMMONS IN A CIVIL ACTION

Aeropostale, Inc.
Dick's Sporting Goods, Inc.
Charlotte Russe, Inc.
GSI Commerce Solutions, Inc.
Fogdog, Inc.
National Basketball Association, Inc.
NBA Properties, Inc.
NBA Media Ventures, LLC
Major League Baseball Properties, Inc.
MLB Advanced Media, L.P.
Linens 'n Things, Inc.
Tweeter Home Entertainment Group, Inc.
Tweeter Newco, LLC
Tweeter Opco, LLC
Buy.com, Inc.

CASE NUMBER: 07cv5567

TO: Tweeter Newco, LLC
40 Pequot Way
Canton, MA 02021

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY

Thomas J. Parker
Alston & Bird LLP
90 Park Avenue
New York, NY 10016

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

FEB 13 2008

CLERK

DATE

(By) DEPUTY CLERK

OAO 440 (Rev. 8/0 1) Summons in a Civil Action

RETURN OF SERVICE

Service of the Summons and complaint was made by me ⁽¹⁾	DATE
NAME OF SERVER (<i>PRINT</i>)	TITLE

Check one box below to indicate appropriate method of service☐ Served personally upon the defendant. Place where served:☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.

Name of person with whom the summons and complaint were left:

☐ Returned unexecuted:☐ Other (specify):**STATEMENT OF SERVICE FEES**

TRAVEL	SERVICES	TOTAL
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DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on

Date

Signature of Server

 Address of Server

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.



Demovsky Lawyer Service

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and Process Service Company

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
PICTURE PATENTS, LLC,

Plaintiff,

-against-

AEROPOSTALE, INC., et al.,

Defendants.
-----X

STATE OF MASSACHUSETTS)

S.S.:

COUNTY OF PLYMOUTH)

Civil Case No. ⁰⁷cv5567

AFFIDAVIT OF SERVICE

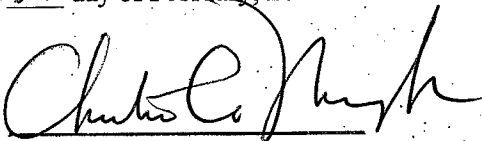
PETER C. MURPHY, being duly sworn, deposes and says that he is over the age of eighteen years, is an agent of the attorney service, D.L.S., Inc., and is not a party to this action.

That on the 15th day of February, 2008, at approximately the time of 2:30 PM, deponent served a true copy of the SUMMONS IN A CIVIL ACTION; SECOND AMENDED COMPLAINT; 3RD AMENDED INSTRUCTIONS FOR FILING AN ELECTRONIC CASE OR APPEAL; INDIVIDUAL PRACTICES OF JUDGE JOHN G. KOELTL; AND INDIVIDUAL PRACTICES OF MAGISTRATE JUDGE HENRY PITMAN upon TWEETER NEWCO, LLC at 40 Pequot Way, Canton, MA, by personally delivering and leaving the same with ANDREW D'AMICO who informed deponent that he holds the position of General Counsel with that company and is authorized by appointment to receive service at that address.

ANDREW D'AMICO is a white male, approximately 50 years of age, stands approximately 5 feet 11 inches tall, weighs approximately 200 pounds with brown hair and brown eyes.


PETER C. MURPHY

Sworn to before me this
22 day of February, 2008


NOTARY PUBLIC